

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 19-314V

RONDA BRUM SMITH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 20, 2023

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for Petitioner.

Jennifer Leigh Reynaud, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On Jennifer Leigh Reynaud filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that a tetanus diphtheria acellular pertussis (“Tdap”) vaccine she received on February 29, 2016, caused her to suffer the Table injury of Shoulder Injury Related to Vaccine Administration. Petition, ECF No. 1. On January 27, 2023, I issued a decision awarding damages to Petitioner, following briefing by the parties and based on Respondent’s proffer. ECF No. 52.

Petitioner has now filed a motion for attorney’s fees and costs, requesting an award of \$36,008.78 (representing \$35,446.30 for fees and \$562.48 for costs). Petitioner’s Application for Attorneys’ Fees and Costs (“Motion”) filed June 2, 2023, ECF No. 57. In

¹ In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

accordance with General Order No. 9, Petitioner filed a signed statement indicating that Petitioner incurred no out-of-pocket expenses. ECF No. 57-4. Respondent did not file a response thereafter.

I have reviewed the billing records submitted with Petitioner's request. In my experience, the request appears reasonable, and I find no cause to reduce the requested hours or rates.

I note this case required additional briefing regarding the issue of damages. See Petitioner's Motion for a Ruling on the Record, filed Apr. 5, 2021, ECF No. 36; Petitioner's Reply to Respondent's Brief on Damages, filed May 27, 2021, ECF No. 39. Petitioner's counsel expended approximately 11.00 hours drafting the motion for a ruling on the record and 5.00 hours drafting the reply brief. ECF No. 57-2. I find this amount of time to be reasonable.

Lastly, Petitioner has provided supporting documentation for all claimed costs and Respondent offered no specific objection to the rates or amounts sought. I have reviewed the requested costs and find them to be reasonable.

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). I award a total of **\$36,008.78 (representing \$35,446.30 for fees and \$562.48 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel, Jeffrey S. Pop.** In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.